

2

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/989,609	TAYLOR, COLIN JOHN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Andrea M. Valenti	3643	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 18 November 2003.
2. ☒ The allowed claim(s) is/are 1-12 and 14-29.
3. ☒ The drawings filed on 20 November 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)          |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                    | 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____.            |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____  | 7 <input checked="" type="checkbox"/> Examiner's Amendment/Comment                  |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
|  | 9 <input type="checkbox"/> Other _____.   |

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Lisa A. Bongiovi on 15 January 2004.

Claim 24, line 6, 'at least one planter having a drainage passage,' was changed to –at least one planter disposed in the water reservoir and having a drainage passage,-

Claim 29, was added –An assembly for use as, or forming an accessory for, a water feature comprises: a shell assembly; a water reservoir contained in the shell assembly; a pump is disposed in the water reservoir for recycling water therein; and at least one planter contained in the shell assembly and having a drainage passage, where in the drainage passage extends through the shell assembly and terminates at a point of discharge from the shell assembly; wherein the drainage passage isolates water collected in the planter from water in the water reservoir, in use.--

### ***Allowable Subject Matter***

Claims 1-12 and 14-29 are allowed.

The following is an examiner's statement of reasons for allowance:

Cited references U.S. Patent No. 4,058,899; U.S. Patent No. 5,502,922; U.S. Patent No. 5,598,662; U.S. Patent No. 6,067,750; U.S. Patent No. 5,440,836; U.S. Patent No. 4,986,027; U.S. Patent No. 4,937,972; U.S. Patent No. 6,279,835; U.S.

Art Unit: 3643

Patent No. 4,371,995; U.S. Patent No. 3,841,023; U.S. Patent Pub. 2002/0084346; Japanese Patent JP 406054629; German Patent DE 29501770 U1; German Patent DE 19604400 C1; U.S. Patent No. 5,852,896; U.S. Patent No. 5,044,120; U.S. Patent No. 4,745,707; U.S. Patent No. 5,509,232; U.S. Patent No. 6,109,827; U.S. Patent No. 6,125,579; U.S. Patent No. 5,966,868; U.S. Patent No. 5,637,361; U.S. Patent No. 5,127,366; and U.S. Patent No. 6,173,530 teach a water feature assembly with a water reservoir; a pump disposed in the water reservoir for recycling water therein, at least one planter having a drainage passage. The prior art of record all fails to show, and fails to make obvious, either alone and/or in combination the drainage passage extends through the water reservoir and terminates at a point of discharge from the assembly, wherein the drainage passage isolates water collected in the planter from water in the water reservoir.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea M. Valenti whose telephone number is 703-305-3010. The examiner can normally be reached on 7:30am-5pm M-F; Alternating Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 703-308-2574. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-4357.

  
Andrea M. Valenti  
Examiner  
Art Unit 3643

15 January 2004

  
Peter M. Poon  
Supervisory Patent Examiner  
Technology Center 3600